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ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

July 31, 1991

Mike Fielder  
Attorney for Dayton I.S.D.  
P.O. Box 1265  
Dayton, Texas 77535-1265

OR91-365

Dear Mr. Fielder:

On behalf of the Dayton Independent School District, you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12852.

The district received an open records request for the personnel files of a particular employee. You state that the district has released to the requestor copies of documents that you believe constitute public information. You seek to withhold the employee's transcript grades and evaluation summaries. You contend that these materials are excepted from disclosure under sections 3(a)(1), (3)(a)(2), and (3)(a)(11) of the Texas Open Records Act.

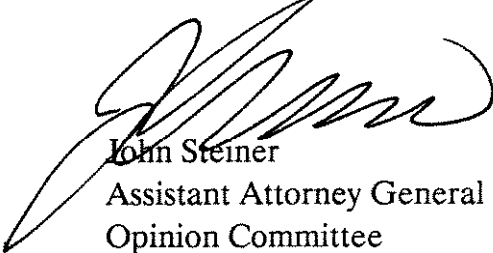
Section 3(a)(2) excepts transcripts from institutions of higher education maintained in the personnel files of professional public school employees, except for the employee's name, degree obtained, and courses taken. See Open Records Decision No. 526 (1989) (copy enclosed). Accordingly, you may withhold the relevant transcript information.

In addition, you claim exception under section 3(a)(11). This exception is apparently claimed with respect to the evaluation summaries. In Open Records Decision No. 466 (1987) at 2, this office held that "[a]dvice, opinion, and recommendation may be withheld under section 3(a)(11) if release of the information would impair the government's ability to obtain the information in the future." Moreover, evaluations of named officials are excepted by section 3(a)(11). See Open Records Decision No. 345 (1982) (copy enclosed). Consequently, given the nature of the evaluations you have submitted, you may withhold the requested information. We do not address the other exception to disclosure that you raised

since we have resolved your request on the basis of sections 3(a)(2) and 3(a)(11).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-365.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/RNG/lb

Ref: ID# 12852

Enclosures: documents; Open Records Decision Nos. 345; 526

cc: Mr. & Mrs. Richard McMillon  
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